

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
KAREEM NISBETT, *individually and behalf of and all* :  
*others similarly situated,* :

Plaintiff, :

-v- :

BUFFY INC., :

Defendant. :

20-CV-2981 (JMF)

ORDER SCHEDULING  
DEFAULT JUDGMENT  
BRIEFING AND SHOW  
CAUSE HEARING

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JESSE M. FURMAN, United States District Judge:

On April 12, 2020, Plaintiff filed its Complaint with the Court. *See* Docket No. 1. Defendant was served with the Complaint on July 29, 2020, and proof of service was filed with the Court. *See* Docket No. 9. To date, Defendant has neither answered the Complaint, nor otherwise appeared in this action. In light of the foregoing, it is hereby ORDERED that any motion for default judgment shall be filed, in accordance with the Court's Individual Rules and Practices for Civil Cases (available at <https://nysd.uscourts.gov/hon-jesse-m-furman>), no later than **December 3, 2020**. Defendant shall file any opposition to the motion for default judgment no later than **December 10, 2020**. Defendant is cautioned that a corporation may appear in federal court only through licensed counsel, and "where a corporation repeatedly fails to appear by counsel, a default judgment may be entered against it." *Grace v. Bank Leumi Tr. Co. of N.Y.*, 443 F.3d 180, 192 (2d Cir. 2006) (internal quotation marks omitted).

If a motion for default judgment is filed, it is further ORDERED that Defendant appear and show cause before this Court, Courtroom 1105 of the Thurgood Marshall Courthouse, 40 Centre Street, New York, New York, on **December 15, 2020, at 4:00 p.m.** why an order should not be issued granting a default judgment against Defendant. Prior to that date, Plaintiff must file the proposed default judgment order electronically, using the ECF Filing Event "Proposed Default Judgment," for the Clerk's approval.

In the event that Defendant appears or opposes the motion for default judgment prior to that date, the parties shall prepare to treat that conference as the initial pretrial conference. That is, if Defendant appears, opposes the motion, or seeks a *nunc pro tunc* extension of time to respond to the complaint, then the parties shall follow the pre-conference procedures specified in the Court's Order of April 14, 2020 including by submitting a joint letter addressing certain topics and a proposed case management plan no later than the Thursday prior to the conference and by participating in an early mediation session by the date of the conference. *See* Docket No. 5.


It is further ORDERED that Plaintiff serve Defendant via overnight courier (1) with a

copy of this Order within **one business day of the date of this Order**; and (2) with a copy of the motion for default judgment and all supporting papers within **one business day** of the date of any such motion. In each case, within **two business days of service**, Plaintiff must file proof of such service on the docket.

Finally, it is ORDERED that the initial pretrial conference previously scheduled for October 6, 2020 is adjourned *sine die*. The Clerk of Court is directed to terminate ECF No. 14.

SO ORDERED.

Dated: October 1, 2020  
New York, New York

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JESSE M. FURMAN  
United States District Judge